Attorney Docket No. 40970-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Michael R. EMMERT-BUCK et al.

Confirmation No. 9373

Application No.: 10/796,288

Art Unit: 3732

Filed: March 10, 2004

Examiner: Unassigned

Title: LIQUID TISSUE PREPARATION FROM HISTOPATHOLOGICALLY PROCESSED BIOLOGICAL SAMPLES, TISSUES AND CELLS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56 and 37 CFR §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

RELEVANCE STATEMENT

The relevance of the documents are described in the present specification.

TIMING/FEE

The instant Information Disclosure Statement is being filed in compliance with 37 CFR §1.97(b) prior to the mailing date of the first official action, therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: October 1, 2004

By: _____

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known	
Application Number	10/796,288
Filing Date	March 10, 2004
First Named Inventor	Marlene M. DARFLER et al.
Group Art Unit	3732
Examiner Name	Unassigned
Attorney Docket Number	40970-0002

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
	A01	BANERJEE S.K. et al., "Microwave-Based DNA Extraction from Paraffin-Embedded Tissue for PCR Amplification", Biotechniques, 1995, pp. 768-70, Vol. 18, No. 5	
	A02	KRZYSZTOF BIELAWSKI et al., "The suitability of DNA extracted from formalin-fixed, paraffin-embedded tissues for double differential polymerase chain reaction analysis", International Journal of Molecular Medicine, 2001, pp. 573-578, Vol. 8	
	A03	SUSAN A. BROOKS et al., "Release and analysis of polypeptides and glycopolypeptides from formalin-fixed, paraffin wax-embedded tissue", Histochemical Journal, 1998, pp. 609-615, Vol. 30	
	A04	N.J. COOMBS et al., "Optimisation of DNA and RNA extraction from archival formalin-fixed tissue", Nucleic Acids Research, 1999, pp. i-iii, Vol. 27, No. 16	
	A05	M.V. DWEK et al., "Oligosaccharide Release from Frozen and Paraffin-Wax-Embedded Archival Tissues", Analytical Biochemistry, 1996, pp. 8-14, Vol. 242	
	A06	JOHN W. GILLESPIE et al., "Evaluation of Non-Formalin Tissue Fixation for Molecular Profiling Studies", American Journal of Pathology, February 2002, pp. 449-457, Vol. 160, No. 2	
	A07	KIMIMASA IKEDA et al., "Extraction and Analysis of Diagnostically Useful Proteins from Formalin-fixed, Paraffin-embedded Tissue Sections", The Journal of Histochemistry & Cytochemistry, 1998, pp. 397-403, Vol. 46, No. 3	
	A08	HIKARU IZAWA et al., "Analysis of cyclin D1 and CDK expression in colonic polyps containing neoplastic foci: A study of proteins extracted from paraffin sections", Oncology Reports, 2002, pp. 1313-1318, Vol. 9	
	A09	BATIA KAPLAN et al., "MICROEXTRACTION AND PURIFICATION TECHNIQUES APPLICABLE TO CHEMICAL CHARACTERIZATION OF AMYLOID PROTEINS IN MINUTE AMOUNTS OF TISSUE", Methods in Enzymology, pp. 67-81, Vol. 309	
	A10	B. KAPLAN et al., "Micropurification techniques in the analysis of amyloid proteins", J. Clin. Pathol, 2003, pp. 86-90, Vol. 56	
	A11	ULRICH LEHMANN et al., "Quantitative Molecular Analysis of Laser-Microdissected Paraffin-Embedded Human Tissues", Pathobiology, 2000, pp. 202-208, Vol. 68	
	A12	ULRICH LEHMANN et al., "Real-Time PCR Analysis of DNA and RNA Extracted from Formalin-Fixed and Paraffin-Embedded Biopsies", 2001, pp. 409-418, Vol. 25	
	A13	F. LEWIS et al., "Unlocking the archive - gene expression in paraffin-embedded tissue", Journal of Pathology, 2001, pp. 66-71, Vol. 195	
	A14	NEIL MACINTYRE, "Unmasking antigens for immunohistochemistry", British Journal of Biomedical Science, 2001, pp. 190-196, Vol. 58	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.[1] Unique citation designation number. [2] Applicant is to place a check mark here if English language Translation is attached.

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	A15	CHARLES MURFF et al., "A Simple Experimental Model to Isolate Antigenic Epitopes Recognized by Antibodies", Bioscene, April 1998, pp. 11-15, Vol. 24, No. 1	
	A16	YUMIKO NITTA et al., "The Quality of DNA Recovered from the Archival Tissues of Atomic Bomb Survivors is Good Enough for the Single Nucleotide Polymorphism Analysis in Spite of the Decade-long Preservation in Formalin", J. Radiat. Res., 2002, pp. 65-75, Vol. 43	
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	A18	W. ROY OVERTON et al., "Method to Make Paraffin-Embedded Breast and Lymp Tissue Mimic Fresh Tissue in DNA Analysis", Cytometry (Communications in Clinical Cytometry), 1996, pp. 166-171, Vol. 26	
	A19	CLOUD P. PAWELETZ et al., "Reverse phase protein microarrays which capture disease progression show activation of pro-survival pathways at the cancer invasion front", Oncogene, 2001, pp. 1981-1989, Vol. 20	
	A20	ELIZABETH L. SCHUBERT et al., "Single Nucleotide Polymorphism Array Analysis of Flow-Sorted Epithelial Cells from Frozen Versus Fixed Tissues for Whole Genome Analysis of Allelic Loss in Breast Cancer", American Journal of Pathology, January 2002, pp. 73-79, Vol. 160, No. 1	
	A21	ERICA J. SIMEL et al., "Enhanced DNA Extraction and PCR Amplification of Mitochondrial Genes from Formalin-Fixed Museum Specimens", BioTechniqeus, March 1997, pp. 394-400, Vol. 22, No. 3	
	A22	SHAN-RONG SHI et al., "Antigen Retrieval Immunohistochemistry: Past, Present, and Future, The Journal of Histochemistry & Cytochemistry, 1997, pp. 327-343, Vol. 45, No. 3	
	A23	SHAN-RONG SHI et al., "Antigen Retrieval Techniques: Current Perspectives", The Journal of Histochemistry & Cytochemistry, 2001, pp. 931-937, Vol. 49, No. 8	
	A24	SHAN-RONG SHI et al., "DNA Extraction from Archival Formalin-fixed, Paraffin-embedded Tissue Sections Based on the Antigen Retrieval Principle: Heating Under the Influence of pH", The Journal of Histochemistry & Cytochemistry, 2002, pp 1005-1011, Vol. 50, No. 8	
	A25	SHAN-RONG SHI et al., "Antigen Retrieval in Formalin-fixed, Paraffin-embedded Tissues: An Enhancement Method for Immunohistochemical Staining Based on Microwave Oven Heating of Tissue Sections", The Journal of Histochemistry & Cytochemistry, 1991, pp. 741-748, Vol. 39, No. 6	
	A26	SHAN-RONG SHI e al., "Antigen Retrieval Technique: A Novel Approach to Immunohistochemistry on Routinely Processed Tissue Sections", The Journal of Histochemistry & Cytochemistry, Cell Vision, 1995, pp 6-22, Vol. 2, No. 1	
	A27	SESHI R. SOMPURAM, Ph.D. et al., "A Molecular Mechanism of Formalin Fixation and Antigen Retrieval", Am J. Clin Pathol., 2004, pp 190-199, Vol. 121	
	A28	TAKEHIKO MIYAJI et al., "Frozen Protein Arrays: A new method for arraying and detecting recombinant and native tissue proteins," Proteomics 2002, 2, 1489-1493.	

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